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BRACEWELL & PATTERSON L L P			MILLER, BRANDON J	
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DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/833,416	TYSOR, ARTHUR JAMES
	Examiner Brandon J Miller	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 February 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4-10,12,14-19 and 21-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,4-10,12,14-19 and 21-24 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-10, 12, 14-19, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Raith.

Regarding claim 1 Kaplan teaches in a single unit cellular telephone with an internal processor and memory and built in-in-display device and keyboard (see col. 2, lines 61-63, col. 3, lines 10-12 & 15-18 and FIG. 1). Kaplan teaches tracking minutes used for a user of the cellular phone (see col. 3, lines 39-41). Kaplan teaches recording and storing calling plan information in the memory of the cellular phone (see col. 3, lines 30-32). Kaplan teaches monitoring time usage for calls on the cellular phone via an internal processor and memory (see col. 3, lines 39-41 and FIG. 1). Kaplan teaches viewing values representing time used on specific call types using the built-in display device of the cellular phone (see col. 6, lines 50-52 & 64-66). Kaplan does not specifically teach tracking available service plan minutes, or displaying available time of a service plan. Raith teaches tracking available service plan minutes (see col. 6, lines 12-16 and col. 9, lines 35-45). Raith teaches displaying available time of the service plan on the cellular phone (see col. 9, lines 40-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include

tracking available service plan minutes, and displaying available time of a service plan because this would allow for an improved cellular telephone able to monitor and control communications costs.

Regarding claim 2 Kaplan teaches providing a user-selectable option for tracking usage time of service types, the user-selectable option being provided within a menu of available service options provided by internalized applications of the cellular telephone (see col. 6, lines 50-66). Kaplan prompting the user for user-input of options for tracking and displaying usage time information on the built-in display device, wherein the prompting is initiated when the usage time menu option is selected (see col. 6, lines 54-58). Kaplan does not specifically teach tracking available usage time remaining within service plan minutes, or displaying a time tracking bar indicative of a percentage of available minutes remaining. Raith teaches tracking available usage time remaining within service plan minutes (see col. 6, lines 12-16 and col. 9, lines 35-45). Raith teaches displaying actual available minutes and displaying a time indicative of available minutes remaining (see col. 10, lines 30-35 and col. 11, lines 52-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include tracking available usage time remaining within service plan minutes, and displaying a time tracking bar indicative of a percentage of available minutes remaining because this would allow for providing users of wireless communication devices with an efficient method of tracking the amount of time that has been spent on different types of calls.

Regarding claim 4 Kaplan and Raith teach a device as recited in claim 3 except for service plan information that includes a number of peak period minutes and off-peak period minutes, separately monitoring peak period minutes and off-peak period minutes, and separately

displaying a first available minutes output associated with peak period minutes and a second available minutes output associated with off-peak period minutes, wherein the display displaying first and second available minutes output as a numerical value when the numerical display option is selected and displaying the time tracking bar when time tracking display option is selected.

Kaplan does teach selecting a display option from a menu (see col. 6, lines 50-58). Raith does teach service plan information that includes a number of peak period minutes and off-peak period minutes, separately monitoring peak period minutes and off-peak period minutes, and separately displaying available minutes output associated with peak period minutes and available minutes output associated with off-peak period minutes (see col. 10, lines 40-45 and col. 11, lines 1-3, 9-14 & 20-21). Raith does teach a display displaying first and second available minutes output as a numerical value and using various techniques to distinguish between multiple values (see col. 11, lines 52-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include service plan information that includes a number of peak period minutes and off-peak period minutes, separately monitoring peak period minutes and off-peak period minutes, and separately displaying a first available minutes output associated with peak period minutes and a second available minutes output associated with off-peak period minutes, wherein the display displaying first and second available minutes output as a numerical value when the numerical display option is selected and displaying the time tracking bar when time tracking display option is selected because this would allow for providing users of wireless communication devices with an efficient method of tracking the amount of time that has been spent on different types of calls.

Regarding claim 5 Raith teaches respectively displaying available minutes output during a clock time associated with peak period minutes and displaying second available minutes output during a next clock time associated with off-peak minutes (see col. 10, lines 40-45 and col. 12, lines 10-14).

Regarding claim 6 Kaplan and Raith teach a device as recited in claim 4 except for a pre-selecting a non-zero threshold number of minutes of time at which to alert a user that the available usage time within the service plan is approaching zero; and outputting an alert signal when the available minutes reaches the pre-selected non-zero threshold, whereby the user is able to refrain from exceeding a total number of minutes with the service plan. Raith does teach pre-selecting a threshold number; and outputting an alert signal when the available usage time within the service plan has exceeded the predetermined threshold (see col. 10, lines 4-11 and col. 11, lines 59-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pre-selecting a non-zero threshold number of minutes of time at which to alert a user that the available usage time within the service plan is approaching zero; and outputting an alert signal when the available minutes reaches the pre-selected non-zero threshold, whereby the user is able to refrain from exceeding a total number of minutes with the service plan because this would allow for improved of notification of the amount of time that has been spent on different types of calls.

Regarding claim 7 Raith teaches displaying that includes providing an alert signal by flashing the display (see col. 11, lines 53-57).

Regarding claim 8 Kaplan and Raith teach a device as recited in claim 1 except for a concurrent display that is selected by a user, concurrently displaying both a numerical output and

the graphical bar. Kaplan does teach a concurrent display that is selected by a user and concurrently displaying output (see col. 6, lines 54-59 and FIG. 5B). Raith does teach displaying numerical output and a variety of techniques used to distinguish between various values (see col. 11, lines 52-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a concurrent display that is selected by a user, concurrently displaying both a numerical output and the graphical bar because this would allow for an improved method of displaying the usage of different types of calls.

Regarding claim 9 Kaplan teaches in a cellular telephone with an internal processor and memory and built in-in-display device and keyboard (see col. 2, lines 61-63, col. 3, lines 10-12 & 15-18 and FIG. 1). Kaplan teaches tracking minutes used for a user of the cellular phone (see col. 3, lines 39-41). Kaplan teaches recording and storing calling plan information in the memory of the cellular phone (see col. 3, lines 30-32). Kaplan teaches monitoring time usage for calls on the cellular phone via an internal processor and memory (see col. 3, lines 39-41 and FIG. 1). Kaplan teaches viewing values representing time used on specific call types using the built-in display device of the cellular phone (see col. 6, lines 50-52 & 64-66). Kaplan does not specifically teach tracking available service plan minutes, or displaying available time of a service plan. Raith teaches tracking available service plan minutes (see col. 6, lines 12-16 and col. 9, lines 35-45). Raith teaches program code for implementing instructions (see col. 7, lines 46-50). Raith teaches displaying available time of the service plan on the cellular phone (see col. 9, lines 40-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include tracking available service plan minutes,

and displaying available time of a service plan because this would allow for an improved cellular telephone able to monitor and control communications costs.

Regarding claim 10 Kaplan and Raith teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 12 Kaplan and Raith teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 14 Kaplan and Raith teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 15 Kaplan and Raith teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 16 Kaplan and Raith teaches a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 17 Kaplan teaches a cellular telephone system including a service provider (see col. 2, lines 49-53). Kaplan teaches at least one cellular telephone that is provided cellular service via the service provider (see col. col. 2, lines 51-54). Kaplan teaches tracking minutes used for calls on the cellular phone (see col. 3, lines 39-41). Kaplan teaches providing a user of the cellular phone with a display of minutes used on specific call types associated with the cellular phone (see col. 6, lines 50-52 & 64-66). Kaplan teaches a cellular telephone that displays minutes used at a user request (see col. 6, lines 54-8 & 64-66). Kaplan does teach selecting a display option from a menu (see col. 6, lines 50-58). Kaplan does not specifically teach available minutes are displayed as a graphical bar on a display device built into the cellular phone and the graphical bar is displayed at one or more of a number of programmed display

periods including: at power on of cellular telephone; at completion of each cellular call; at a user request for display of available minutes; and continuously while the display device is on. Raith does teach displaying numerical output and a variety of techniques used to distinguish between various values (see col. 11, lines 52-60). Raith teaches available minute usage information that can be displayed at one or more of a number of display periods including: at power on of cellular telephone; at completion of each cellular call; at a user request for display of available minutes; and continuously while the display device is on (see col. 9, lines 5-8 & 35-40). Raith teaches program code for implementing instructions (see col. 7, lines 46-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include available minutes are displayed as a graphical bar on a display device built into the cellular phone and the graphical bar is displayed at one or more of a number of programmed display periods including: at power on of cellular telephone; at completion of each cellular call; at a user request for display of available minutes; and continuously while the display device is on because this would allow for an improved cellular telephone able to monitor and control communications costs.

Regarding claim 18 Raith teaches tracking means including monitoring minute usage at a database of a service provider of a service plan and transmitting an available minutes output to a cellular phone at a termination of each call (see col. 4, lines 32-40 and col. 10, lines 3-5). Raith teaches a display that includes transmitted available minutes output (see col. 11, lines 49-55).

Regarding claim 19 Kaplan teaches in a single unit cellular telephone with an internal processor and memory and built in-in-display device and keyboard (see col. 2, lines 61-63, col. 3, lines 10-12 & 15-18 and FIG. 1). Kaplan teaches tracking minutes used for a user of the

cellular phone (see col. 3, lines 39-41). Kaplan teaches recording and storing calling plan information in the memory of the cellular phone (see col. 3, lines 30-32). Kaplan teaches monitoring time usage for calls on the cellular phone via an internal processor and memory (see col. 3, lines 39-41 and FIG. 1). Kaplan teaches displaying minutes used on specific call types on the display device (see col. 6, lines 50-52 & 64-66). Kaplan does not specifically teach tracking available service plan minutes, displaying available time of a service plan, service plan information that includes a number of peak period minutes and off-peak period minutes, monitoring program code for separately monitoring peak period minutes and off-peak period minutes, or separately displaying a first available minutes output associates with the peak period minutes and a second available minutes output associated with off-peak period minutes. Raith teaches tracking available service plan minutes (see col. 6, lines 12-16 and col. 9, lines 35-45). Raith teaches displaying available time of the service plan on the cellular phone (see col. 9, lines 40-42). Raith teaches service plan information that includes a number of peak period minutes and off-peak period minutes, separately monitoring peak period minutes and off-peak period minutes, and separately displaying available minutes output associated with peak period minutes and available minutes output associated with off-peak period minutes (see col. 10, lines 40-45 and col. 11, lines 1-3, 9-14 & 20-21). Raith does teach a display displaying first and second available minutes output as a numerical value and using various techniques to distinguish between multiple values (see col. 11, lines 52-60). Raith teaches program code for implementing instructions (see col. 7, lines 46-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include tracking available service plan minutes, displaying available time of a service plan, service plan information that

includes a number of peak period minutes and off-peak period minutes, monitoring program code for separately monitoring peak period minutes and off-peak period minutes, or separately displaying a first available minutes output associates with the peak period minutes and a second available minutes output associated with off-peak period minutes because this would allow for improved wireless communications usage monitoring and control apparatus compatible with a variety of rate structures.

Regarding claim 21 Raith teaches displaying available minutes at one or more of a number of programmed display periods including: at power on of cellular telephone; at completion of each cellular call; at a user request for display of available minutes; and continuously while the display device is on (see col. 9, lines 5-8 & 35-40).

Regarding claim 22 Raith teaches automatically downloading service plan information from a service provider during power up of cellular telephone and receiving periodic updates of available time from a service provider (see col. 6, lines 13-16 & col. 9, lines 1-8).

Regarding claim 23 Kaplan and Raith teaches a device as recited in claim 9 except for a service plan that tracks and deducts time usage in time blocks other than whole minute blocks, including: program code for tracking available time based on a number of blocks of time remaining; and program code for displaying available time with an indication of a smallest number of blocks other than whole minutes that is available. Raith does teach a service plan that deducts time usage in time blocks other than whole minute blocks (see col. 6, lines 13-19). Raith does teach program code for implementing instructions (see col. 7, lines 46-50). Raith does teach tracking available time based on a number of blocks of time remaining (see col. 6, lines 13-16). Raith does teach displaying numerical output and a variety of techniques used to distinguish

between various values (see col. 11, lines 52-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a service plan that tracks and deducts time usage in time blocks other than whole minute blocks, including: program code for tracking available time based on a number of blocks of time remaining; and program code for displaying available time with an indication of a smallest number of blocks other than whole minutes that is available because this would allow for improved wireless communications usage monitoring and control apparatus compatible with a variety of rate structures.

Regarding claim 24 Raith teaches completing an available time calculation that accounts for a preprogrammed time offset including deducting a first minute when the first minute is free for incoming calls (see col. 9, lines 40-45).

Response to Arguments

Applicant's arguments with respect to claims 1-2, 4-10, 12, 14-19, and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Steele U.S. Patent Application 6,564,047 discloses advanced air-time management.

Wise U.S. Patent Application 5,826,185 discloses a cellular phone system wherein the air-time use is predetermined.

Abdella U.S. Patent Application 6,044,258 discloses a system and method for updating a time remaining value.

Henon U.S. Patent Application 6,577,717 discloses broadcasting of different tariff periods in a telephone system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 27, 2004



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